

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WORTHY HOTELS, INC., et al.,

Plaintiffs,

v.

FIREMAN’S FUND INSURANCE  
COMPANY, a California corporation,

Defendant.

ES RESTAURANT GROUP, INC., a  
Delaware corporation,

Plaintiff,

v.

FIREMAN’S FUND INSURANCE  
COMPANY, a California corporation,

Defendant.

NACCARATO RESTAURANT GROUP.  
INC., a Washington corporation

Plaintiff,

v.

FIREMAN’S FUND INSURANCE  
COMPANY, a California corporation,

Defendant.

Consolidated Case No. 2:20-cv-1079-BJR

VITA COFFEE, LLC, a Washington limited liability company d/b/a CAFFE VITA COFFEE ROASTING CO.,

Plaintiff,

v.

FIREMAN'S FUND INSURANCE COMPANY, a California corporation.

Defendant.

WEIMAC LLC, a Washington limited liability company; et al.,

Plaintiffs,

v.

FIREMAN'S FUND INSURANCE COMPANY,

Defendant.

13 COINS MANAGEMENT, LLC; M2 MANAGEMENT, LLC; 13 COINS BELLEVUE, LLC; 13 COINS STADIUM, LLC; THE LODGE ACQUISITION MUKILTEO, LLC; THE LODGE ACQUISITION MILL CREEK, LLC; THE LODGE ACQUISITION KIRLAND, LLC; THE LODGE ACQUISITION STADIUM, LLC; THE LODGE ACQUISITION WEST SEATTLE, LLC; THE SMOKEHOUSE, LLC; JOE TO GO, LLC; MIGHTY MIGHTY, LLC; THE LODGE ACQUISITION, LLC, Washington limited liability companies

Plaintiffs,

v.

NATIONAL SURETY CORP., an Illinois corporation,

Defendant.

1 **CANLIS, INC., a Delaware corporation,**

2 **Plaintiff,**

3 **v.**

4 **FIREMAN'S FUND INSURANCE**  
5 **COMPANY, a California corporation,**

6 **Defendant.**

## STIPULATION

Canlis, Inc. and Fireman's Fund Insurance Company ("Fireman's") (collectively, the "Parties") wish to avoid filing duplicative briefing to that already pending before the Court. Canlis's policy is very similar to those at issue in the other consolidated Fireman's matters, specifically the policy form at issue in the *Naccarato Restaurant Group, Inc. v. Fireman's Fund Insurance Company* (20-cv-06108) matter. As a result, rather than have Fireman's file a motion to dismiss largely repetitive of its previously filed motions to dismiss (and Canlis file response briefing largely repetitive of what the other Fireman's plaintiffs have filed), the parties agree and stipulate:

- That the Parties will be bound by the Court's order(s) relative to the motion to dismiss brought by Fireman's seeking dismissal of the *Naccarato Restaurant Group, Inc.* lawsuit;
- That the motion to dismiss briefing relative to the *Naccarato Restaurant Group, Inc.* lawsuit applies as if filed by and between the Parties and the Parties further agree and stipulate that it covers all claims brought by Canlis in its Complaint, as well as all coverages, extensions, exclusions, provisions, and clauses related to and addressed by those claims; and
- That they are not prejudiced in any way by adopting the motion to dismiss briefing filed relative to the *Naccarato Restaurant Group, Inc.* lawsuit or by being bound by the Court's ruling(s) relative to that briefing.

This Stipulation in no way affects the rights of the Parties to appeal the Court's eventual ruling(s), Canlis's right to amend its pleadings should the Court not dismiss its Complaint with prejudice, or Fireman's right to move to dismiss any amended pleading filed by Canlis.

Dated this 29th day of April, 2021.

MILLER NASH GRAHAM & DUNN LLP

*s/ Tristan Swanson*

Tristan N. Swanson, WSBA No. 41934  
Carolyn A. Mount, WSBA No. 55527  
Pier 70, 2801 Alaskan Way, Suite 300  
Seattle, Washington 98121-1128  
Tel: 206.777.7530  
Fax: 206.340.9599  
E-mail: tristan.swanson@millernash.com  
E-mail: carolyn.mount@millernash.com

*Attorneys for Canlis, Inc.*

DLA PIPER LLP (US)

*s/ Anthony Todaro*

Anthony Todaro, WSBA No. 30391  
*s/ Joseph Davison*  
Joseph Davison, WSBA No. 51264  
701 Fifth Avenue, Suite 6900  
Seattle, Washington 98104-7029  
Tel: 206.839.4800  
Fax: 206.839.4801  
E-mail: anthony.todaro@us.dlapiper.com  
E-mail: joseph.davison@us.dlapiper.com

*Attorneys for Fireman's Fund Insurance  
Company*

**ORDER**

Having considered the April 29, 2021, stipulation submitted to this Court by Canlis and Fireman's Fund Insurance Company, and being fully advised, the Court hereby GRANTS the Parties' Stipulation.

Dated this 29th day of April, 2021.



---

Hon. Judge Barbara J. Rothstein